

Clerk, U.S. District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

DEC 31 2014

for the

Southern District of Texas

David J. Bradley, Clerk of Court

United States of America)

v.)

Case No. C-14-1392M

Armando GARCIA)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/30/2014 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C § 841(a)(1)

Did knowingly, intentionally, and unlawfully possess with intent to distribute a controlled substance in Schedule I of the Controlled Substance Act of 1970, to wit; 19.28 Kilograms of marijuana, approximate gross weight.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Complainant's signature

Suzanne Minnick, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/31/2014

Judge's signature

City and state: Corpus Christi, TX

E. Janice Ellington, US Magistrate Judge

Printed name and title

GARCIA, Armando

Attachment A

On 12-30-2014, at approximately 10:00am, a Silver Ford Taurus approached the primary inspection lane for an immigration inspection of its occupants. As the vehicle approached the inspection area Border Patrol Agent (BPA) Tschirhart noticed that the driver, subsequently identified as Armando GARCIA, hereinafter referred to as GARCIA, was the only occupant in the vehicle.

While BPA Tschirhart was questioning GARCIA, BPA Martinez utilized his service canine to perform a non-intrusive, free air sniff of the exterior of the passenger vehicle. BPA Tschirhart asked GARCIA where he was going, to which GARCIA replied, "Corpus Christi." BPA Tschirhart then asked GARCIA where he was coming from, to which GARCIA replied, "Rio Grande City, Texas." BPA Tschirhart noticed GARCIA appeared to be nervous, overly talkative and friendly. At that time, BPA Martinez advised BPA Tschirhart that his canine was alerting to the car. BPA Tschirhart asked GARCIA if he was a United States citizen, to which GARCIA responded, "Yes I am." BPA Tschirhart instructed GARCIA to pull into the secondary inspection area for further inspection.

Once in the secondary inspection area, BPA Tschirhart asked if GARCIA owned the Silver 2001 Ford Taurus he was currently driving. BPA Tschirhart stated that he had bought the vehicle about two weeks prior. GARCIA stated that he had recently been released from prison, prosecuted for aggravated assault with a deadly weapon, where he served eight years of a twelve year sentence and currently serving three years parole. GARCIA then stated he had been living in Rio Grande City, Texas with his sister since his release from prison. GARCIA stated he was previously part of a gang known as "West Texas" and was originally from Amarillo Texas. BPA Tschirhart asked GARCIA why he was driving nearly four hours to Corpus Christi. GARCIA responded he is a tattoo artist and was going to work at a tattoo parlor.

While BPA Tschirhart was questioning GARCIA, BPA Martinez and his canine Sharma conducted a systematic search of the Silver 2001 Ford Taurus driven by Garcia. BPA Martinez advised that his canine alerted and indicated to the back rest of the back seat. A search of the back seat revealed eight bundles wrapped in black tape with clear cellophane, weighing 19.28 kilograms, approximate gross weight, concealed in the back seat rest of the vehicle. One of the bundles was cut open revealing a green leafy like substance that tested positive for marijuana.

After rights advisement by DEA, GARCIA said he understood his Miranda Warnings. GARCIA said he was going to be paid \$500.00 by a man, hereinafter referred to as UM1, upon delivery of the vehicle to another person in Kingsville, TX. GARCIA said he didn't know what was in the vehicle. GARCIA said UM1 took his vehicle and subsequently returned the vehicle to GARCIA. GARCIA said UM1 was going to contact GARCIA when GARCIA arrived in the Kingsville, TX area. GARCIA said he first met UM1 due to GARCIA asking UM1 for hydroponic marijuana.

The amount of marijuana, 19.28 kilograms, approximate gross weight, infers the intent to distribute. AUSA Chad Cowen authorized the prosecution of GARCIA.